

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3232 of 1995

SHAMBHU SINGH
V/S
STATE & ORS

Mr. NS RAJPUROHIT for Mr. SG OJHA, for the appellant /
petitioner

Mrs. RR KANWAR, AGA, for the respondent

Date of Order : 10.5.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

Petitioner by this petition seeks to challenge the orders/directions Annexures-2, 5, 6 and 7. Vide Annexure-2 enquiry report was submitted against the petitioner finding all the charges to have been proved. Then, vide Annexure-5 dt. 2.6.1995 the State Government has found the petitioner guilty, and directed a finding to be recorded against the petitioner under Section 38(1)(b), and also directed the amount of Rs. 961/- said to have been embezzled to be recovered from the petitioner along with penal interest. Then, Annexure-6 is the letter of the Collector informing about recording of finding about disqualification. While Annexure-7 is the communication of the Vikas Adhikari directing the petitioner to deposit the amount of Rs. 961.70 along with penal interest within 15 days, this is dated 13.7.1995.

Thus, in substance the petitioner seeks to challenge the findings recorded against him on the charges, resulting into recording of the finding of disqualification against the petitioner under Section 38, and the order of recovery of Rs. 961/70.

The writ petition was filed way back on 12.9.1995, and along with this stay application was also filed. The matter came up for consideration before the Court on 6.10.1995 on which date only show cause notice was ordered to be issued, and no interim order was granted. Thereafter, after service the stay petition was taken on 25.7.1997, on that date learned counsel did not press the stay application, and therefore, the same was dismissed. While on that day the writ was adjourned to be listed after one week. Then, it was vide order dt. 20.7.1998 that the writ petition was admitted.

Thus, the fact remains that there is no stay of the impugned orders, and the period for which the finding of disqualification was to remain in force has already expired long back, therefore, going into those aspects has practically become academic only.

Then, so far as the amount of Rs. 961/70 along with penal interest, which is ordered to be recovered from

the petitioner is concerned, the learned counsel submits that the petitioner would deposit this amount if reasonable time is granted to deposit the same, if the amount has not already been deposited. This prayer is not opposed by the State.

Accordingly the writ petition is disposed of granting three months' time to the petitioner to deposit the aforesaid amount with penal interest, if not already deposited.

(N P GUPTA), J.

/Sushil/